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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,828	08/27/2001	Daniel John Feyma	24,954-121	5454
38824	7590	05/19/2005		
FULBRIGHT & JAWORSKI L.L.P. 80 SOUTH EIGHTH STREET SUITE 2100 MINNEAPOLIS, MN 55402			EXAMINER MAMMEN, NATHAN SCOTT	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/940,828

**Applicant(s)**

FEYMA ET AL.

**Examiner**

Nathan S Mammen

**Art Unit**

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-12,14,15 and 17-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 6-12, 14-15, 17-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6-7, 9, 12, 14, 17-18, 20, 23, 24, 26, 29, 30, 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 4060005 patent publication, cited by Applicant.

The JP '005 publication discloses a turf maintenance machine for traversing a turf surface having debris elements and turf fill material. The machine comprises a main sweeper brush (2) for engaging the debris elements and the turf fill material and transferring the debris elements and turf fill material toward a forwardly mounted debris hopper (generally at B). The machine further comprises a filter device (50, 40) disposed within the debris hopper for receiving the transferred debris elements and turf fill material and for separating the debris elements from the turf fill material. The debris elements are captured by the machine, and the turf fill material is returned to the turf surface ahead of the main sweeper brush.

Regarding claims 6-7, 9, 14, 17, 18, 20, 24: The machine further comprises a turf engaging structure (7) for preconditioning the turf prior to engagement by the sweeper brush. The turf engaging structure (7) includes a transverse planar element which is backwardly angled so that a rear edge drags along the turf. The turf engaging structure can alternatively be viewed as a turf surface grooming device which engages the turf surface. The filter device includes multiple filter stages (40, 50).

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Regarding claims 29, 30, 32-34: The method as claimed is inherent as the normal and logical manner in which the turf maintenance machine of the JP '005 patent is used.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4060005 patent publication, cited by Applicant.

While the JP '005 publication discloses the claimed invention, as stated in paragraph 2, the provided English abstract does not disclose whether element 50, located on a shelf disposed away from the filter bottom, is also a screen. Bottom element 40 is clearly a screen. An English translation of the complete document is unavailable to the examiner. However, given the context and purpose of the turf maintenance machine and the similarity in the drawings between elements 50 and elements 40, it is believed that element 50 is also a screen. But, regardless whether element 50 is a screen, or whether screen 50 is an expanded metal screen and screen 40 is wire screen, it would have been obvious to one having ordinary skill in the art to provide such a screen arrangement, since sifting filters such as this are well-known to ordinary artisans for their use in separating and categorizing articles of different size.

5. Claims 8, 10, 11, 19, 21, 22, 25, 27, 28, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4060005 patent publication, cited by Applicant, in view of U.S. Patent No. 5,940,928 to Erko.

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The JP '005 publication discloses the claimed invention, as stated in paragraph 2 above, except for the turf engaging structure being movably coupled to the machine and for the turf surface grooming device including a brush that is movably coupled to the machine for varying the degrees of down force. The Erko '928 patent teaches that it is known in the art to provide a surface maintenance machine with an engaging structure (42) that is movably (i.e, rotatably) coupled to the machine. The Erko '928 patent also teaches that it is known to provide a grooming device (44) that includes a brush and that is movably coupled to the machine for varying the down pressure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the turf maintenance machine of the JP '005 publication with the movable engaging structure and grooming device as taught by the Erko '928 patent in order to further condition the turf surface.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 12, 23, 29, 32 have been considered but are moot in view of the new ground(s) of rejection.

As stated above, the JP '005 publication shows Applicant's claimed device.

### ***Conclusion***

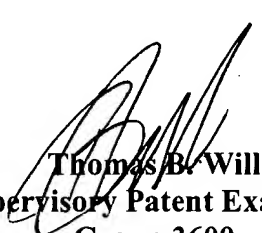
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. For example, the amendment to claim 1 added the limitations of claims 2 and 5, thus overcoming the previous rejection over the Thoer '916 patent and presenting a claim of different scope and previously presented in original claims 1, 2, or 5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (571) 272-6991. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (571) 272-6998. The fax number for this Group is (703) 872-9306.

  
**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

NSM  
5/13/05

Nathan S. Mammen